

## U.S. Department of Justice



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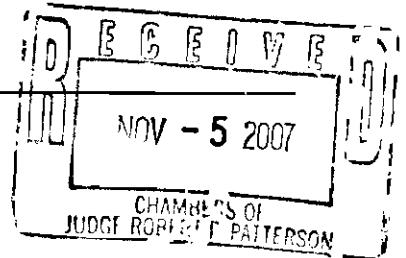
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United States Attorney  
Southern District of New York

The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007

November 5, 2007



**By Facsimile**

The Honorable Robert P. Patterson  
United States District Court  
500 Pearl Street  
New York, New York 10007

Re: United States v. Xian Bao Lin  
06 Cr. 489 (RPP)

**MEMO ENDORSEMENT**

Dear Judge Patterson:

The Government respectfully submits this letter on behalf of the parties to request that a guilty plea proceeding be scheduled in this matter for November 13, 2007 and to adjourn the November 13, 2007 trial date for three to four weeks. Mark Gombiner, Esq., counsel for the defendant, has advised the Government that the defendant intends to plead guilty, but Mr. Gombiner is currently unavailable because he is on trial in another matter. Accordingly, the parties would ask to schedule a plea on November 13, 2007, subject to the Court's availability. In addition, the parties would ask that the existing November 13, 2007 trial date be adjourned for three to four weeks. As noted above, Mr. Gombiner is presently on trial in another matter, and is unable to prepare for trial in this matter. In addition, in light of the defendant's intention to plead guilty on November 13, 2007, adjournment of the trial date would enable his plea to be deemed "timely" for the purpose of reducing his offense level for acceptance of responsibility.

Finally, if the requested adjournment is granted, the Government would ask that time be excluded under the Speedy Trial Act until the new date in the interests of justice so that the parties can execute their intended disposition. Mr. Gombiner has consented to this request for exclusion.

Respectfully submitted,

MICHAEL J. GARCIA  
United States Attorney

By:

*W.S. Wilson Leung*  
W.S. Wilson Leung  
Assistant United States Attorney  
(212) 637-2401

Cc: Mark Gombiner, Esq.

*Application granted  
Trial is adjourned to 12/10/07  
at 9:30 AM.  
So ordered.  
11/5/07  
Robert P. Patterson*